



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,137	08/21/2001	Helmut Windl	2000 P 9016 US 01	8891

7590

05/25/2005

Baker Botts L.L.P.

One Shell Plaza

910 Louisiana

Houston, TX 77002-4995

EXAMINER

ZHOU, TING

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/935,137

Applicant(s)

WINDL ET AL.

Examiner

Ting Zhou

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9, 11-21, 23 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9, 11-21, 23-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Request for Continued Examination (RCE) filed on 14 March 2005 under 37 CFR 1.53(d) based on parent Application No. 09/935,137 is acceptable and a RCE has been established. An action on the RCE follows.
2. The amendments filed on 14 March 2005, submitted with the filing of the RCE have been received and entered. Claims 1-7, 9, 11-21 and 23-24 as amended are pending in the application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7, 9, 13, 15, 17-18, 21 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Oran et al. U.S. Patent 5,617,526.

Referring to claims 1, 13 and 17, Oran et al. teach a system and method comprising a primary display region including a window area for displaying information (the operating system desktop, which is a window area capable of displaying information) (column 3, lines 26-29 and shown in Figure 2), a peripheral display region (taskbar notification area) (column 3, lines 26-47 and Figure 2); a message indicator superimposed over the peripheral region, indicating the

Art Unit: 2173

presence of a message (a notification displayed as a graphical object in the notification area; for example, when an electronic mail message has arrived, an email message indicator icon is displayed on the taskbar notification area) (column 1, lines 34-41, column 5, lines 37-45 and Figure 3); and a user-activated icon for causing retrieval and display of an industrial automation system message (when users activate, i.e. position the mouse cursor to point at the printer icon on the taskbar notification area, a tool tip message indicating the number of documents currently pending on the printer is displayed) (column 4, lines 2-10 and Figure 4), wherein the industrial automation system message is displayed in a pop-up window (in response to the mouse being positioned on the icon, a tool tip box displaying a system message pops up on the display) (column 4, lines 2-10 and Figure 4) and wherein the pop-up window is placed within the window area of the primary display region in such a way that it does not obstruct the information displayed in the primary display region (as shown in Figure 4, part of the pop-up tool tip is displayed outside of the taskbar notification area, i.e. partly residing on the window area, i.e. desktop, in a small box, so as not to take up a large amount of display screen space and obstruct the displayed information on the desktop).

Referring to claim 2, Oran et al. teach the peripheral region comprises a top edge, a bottom edge and lateral edges circumscribing an icon for invoking tools for running and debugging application programs (as shown in Figure 6, the taskbar notification area contains, or encloses the icons, which allows users to open application programs such as the electronic mail program to look at the arrived email message) (column 4, lines 41-50).

Referring to claim 3, Oran et al. the message indicator is located in a status bar (column 4, lines 50-55 and Figure 6).

Referring to claim 4, Oran et al. teach the message indicator is displayed superimposed over the peripheral display region when triggered by an automation system message (for example, the email message indicator is displayed on the taskbar notification area when triggered by the arrival of a new electronic mail message) (column 5, lines 1-46).

Referring to claim 5, Oran et al. teach the user-activated icon is displayed approximately in the center of the peripheral region (the notification area grows to accommodate the number of icons that are currently displayed within it, therefore, if there are a large amount of icons displayed, some of the icons can be displayed near the center of the notification area) (column 4, lines 38-45 and Figure 6).

Referring to claim 6, Oran et al. teach the user-activated icon is located adjacent the bottom edge of the peripheral region (Figure 6).

Referring to claims 7, Oran et al. teach the user activated icon, when selected for a first period of time, invokes retrieval of a single message, and when selected for a second period of time, invokes retrieval of a plurality of messages (for example, when the user selects the printer icon for the first period of time by positioning the cursor to point at the printer icon, a single message via the tool tip is displayed, as shown in Figure 4; when the user selects the printer icon for the second period of time by clicking the icon, a plurality of messages, via the plurality of printer related items shown on the print manager window is displayed, as shown in Figure 5) (column 4, lines 2-38).

Referring to claims 9 and 15, Oran et al. teach the first period of time is less than the second period of time (it takes users longer to point at the printer icon and select it to invoke a

Art Unit: 2173

plurality of messages than it does for users to simply point at the printer icon to display the single tool tip icon) (column 4, lines 2-38 and Figure 5).

Referring to claim 18, Oran et al. teach the message indicator is accompanied by an acoustic signal (column 3, lines 64 – column 4, lines 2).

Referring to claim 21, Oran et al. teach clicking on the message indicator (clicking on the taskbar notification icons) (column 4, lines 2-38).

Referring to claim 24, Oran et al. teach entering a response to a message in the pop-up window (for example, upon viewing the pop-up tool tip printer message, the user can achieve a second level of interactivity with the printer icon by entering a response to the tool tip via selecting the printer icon and displaying a print manager) (column 4, lines 2-38).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oran et al. U.S. Patent 5,617,526, as applied to claims 1 and 7 above, and Moon et al. U.S. Patent 6,385,662.

Referring to claim 11, Oran et al. teach all of the limitations as applied to claims 1 and 7 above. Specifically, Oran et al. teach displaying messages in pop-up windows (Oran et al.: column 4, lines 2-10 and Figure 4). However, Oran et al. fail to explicitly teach the messages in

Art Unit: 2173

the pop-up window are associated with respective time tags and in an order based on the time tags. Moon et al. teach a system for displaying icons and retrieving the corresponding notification upon user selection (Moon et al.: column 3, lines 1-13, column 4, lines 56-63 and further shown in Figure 1) similar to that of Oran et al. In addition, Moon et al. further teach messages are associated with respective time tags and in an order based on the time tags (events, or messages in the history file that is displayed in response to user selection, are associated with a time of when they were ignored by the user and added to the file, and events are added to the history file in an order of when they become ignored by the user and added to the file) (Moon et al.: column 5, lines 22-47). It would have been obvious to one of ordinary skill in the art, having the teachings of Oran et al. and Moon et al. before him at the time the invention was made, to modify the user activated message display interface of Oran et al. to include associating a time tag with displayed messages. One would have been motivated to make such a combination in order to allow users to put off viewing status messages until a time more convenient for them, letting users work at their own pace. Furthermore, users will be able to see when events occurred, therefore allowing them to see the interdependent relationships between events, i.e. if certain events caused later occurring events, allowing users to respond to the messages or problems in the appropriate order.

5. Claims 12, 14, 16 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oran et al. U.S. Patent 5,617,526, as applied to claims 1 and 17 above, and Shimizu et al. U.S. Patent 5,689,416.

Referring to claim 12, Oran et al. teach all of the limitations as applied to claim 1 above. In addition, Oran et al. teach the message indicator is accompanied by an audible sound (Oran et al.: column 3, lines 64 – column 4, line 2). However, Oran et al. fail to explicitly teach the message indicator comprises a blinking display comprising a color contrasting with the visual characteristics of the surrounding peripheral region. Shimizu et al. teach the display of indications for monitored system components (Shimizu et al.: column 3, lines 3-31) similar to that of Oran et al. In addition, Shimizu et al. further teach displaying a blinking display comprising a color contrasting with the visual characteristics of the surrounding peripheral region (displaying a blinking red display indicator to symbolize the disconnection of a device) (Shimizu et al.: column 12, lines 36-44). It would have been obvious to one of ordinary skill in the art having the teachings of Oran et al. and Shimizu et al. before him at the time the invention was made, to modify interface for displaying message indicating icons taught by Oran et al. to include the displaying of a blinking red indicator of Shimizu et al. One would have been motivated to make such a combination in order to efficiently monitor the statuses of a plurality of system components, allowing the user to be able to clearly see and comprehend when an event or failure has occurred, so they can respond to the problem in a timely fashion.

Referring to claim 14, Oran et al. teach a single message is retrieved if the user's activation comprises a selection lasting a first period of time, and a plurality of messages is retrieved if the user's activation comprises a second period of time (for example, when the user selects the printer icon for the first period of time by positioning the cursor to point at the printer icon, a single message via the tool tip is displayed, as shown in Figure 4; when the user selects the printer icon for the second period of time by clicking the icon, a plurality of messages, via the

Art Unit: 2173

plurality of printer related items shown on the print manager window is displayed, as shown in Figure 5) (column 4, lines 2-38).

Referring to claims 16 and 19, Oran et al. teach all of the limitations as applied to claims 1, 12 and 17 above. Specifically, Oran et al. teach the display of messages (a notification displayed as a graphical object in the notification area; for example, when an electronic mail message has arrived, an email message indicator is displayed on the taskbar notification area) (Oran et al.: column 1, lines 34-41, column 5, lines 37-45 and Figure 3). However, Oran et al. fail to explicitly teach messages relating to a fault-causing event. Shimizu et al. teach the display of indications for monitored system components (Shimizu et al.: column 3, lines 3-31) similar to that of Oran et al. In addition, Shimizu et al. further teach displaying indications relating to a device failure (displaying blinking and colored indicators to symbolize a critical failure or a disconnection of a device) (Shimizu et al.: column 12, lines 36-44). It would have been obvious to one of ordinary skill in the art having the teachings of Oran et al. and Shimizu et al. before him at the time the invention was made, to modify the interface for displaying messages taught by Oran et al. to include the displaying of an indication due the failure of a device of Shimizu et al. One would have been motivated to make such a combination in order to efficiently monitor the statuses of a plurality of system components, allowing the user to be able to clearly see and comprehend when an event or failure has occurred, so they can respond to the problem in a timely fashion.

Referring to claim 20, Oran et al. teach all of the limitations as applied to claims 17 and 18 above. Specifically, Oran et al. teach viewing and assessing the nature of a message (for example, users can view and assess the printer message associated with the printer icon by

Art Unit: 2173

selecting the printer icon displayed on the taskbar notification area) (Oran et al.: column 4, lines 19-38 and Figure 5). However, Oran et al. fail to explicitly teach the messages relates to fault-causing messages. Shimizu et al. teach the display of indications for monitored system components (Shimizu et al.: column 3, lines 3-31) similar to that of Oran et al. In addition, Shimizu et al. further teach displaying indications relating to a device failure (displaying blinking and colored indicators to symbolize a critical failure or a disconnection of a device) (Shimizu et al.: column 12, lines 36-44). It would have been obvious to one of ordinary skill in the art having the teachings of Oran et al. and Shimizu et al. before him at the time the invention was made, to modify the viewing and assessing of the nature of a displayed message taught by Oran et al. to include the displaying of an indication due a failure of a device of Shimizu et al.. One would have been motivated to make such a combination in order to efficiently monitor the statuses of a plurality of system components, allowing the user to be able to clearly see and comprehend when an event or failure has occurred, so they can respond to the problem in a timely fashion.

6. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oran et al. U.S. Patent 5,617,526 and Shimizu et al. U.S. Patent 5,689,416, as applied to claims 17, 18 and 20 above, and Moon et al. U.S. Patent 6,385,662.

Referring to claim 23, Oran et al. and Shimizu et al. teach all of the limitations as applied to claims 17, 18 and 20 above. Specifically, Oran et al. teach displaying messages in pop-up windows (in response to the mouse being positioned on the icon, a tool tip box pops up on the display) (Oran et al.: column 4, lines 2-10 and Figure 4) and Shimizu et al. teach the display of

Art Unit: 2173

fault causing events (displaying blinking and colored indicators to symbolize a critical failure or a disconnection of a device) (Shimizu et al.: column 12, lines 36-44). However, Oran et al. and Shimizu et al. fail to explicitly teach displaying a list of messages presented in the order of their occurrence. Moon et al. teach the display of indications (displaying notifications) (Moon et al.: column 3, lines 1-13, column 4, lines 56-63 and further shown in Figure 1) similar to that of Oran et al. and Shimizu et al. In addition, Moon et al. further teach displaying a list of messages presented in the order of their occurrence (as messages are ignored by the user, they are added to the history file with the previously ignored messages; upon user selection, the list of messages in the history file event log is displayed along with their time information) (Moon et al.: column 4, lines 55 – column 5, lines 47). It would have been obvious to one of ordinary skill in the art, having the teachings of Oran et al, Shimizu et al. and Moon et al. before him at the time the invention was made, to modify the pop-up display of fault-causing messages taught by Oran et al. and Shimizu et al. to include the display of a list of messages in the order of their occurrence of Moon et al. One would have been motivated to make such a combination in order to allow users to put off viewing status messages until a time more convenient for them, letting users work at their own pace. Furthermore, users will be able to see when events occurred, therefore allowing them to see the interdependent relationships between events, i.e. if certain events caused later occurring events, allowing users to respond to the messages or problems in the appropriate order.

Response to Arguments

7. Applicant's arguments filed 14 March 2005 have been fully considered but they are not persuasive:

8. In response to applicant's argument that the reference Oran is related to general software application and does not mention industrial automation systems, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 312 F.2d 937, 939, 136 USPQ 458, 459 (CCPA 1963). The applicant's intended use of the invention for an industrial automation system does not patentably distinguish the claimed invention from Oran. The system comprising display areas and user activated retrieval and display, via an icon, of system messages disclosed by Oran is structurally and functionally the same as the recited claims of the present application. Oran teaches displaying a system message in the same manner as the message displaying system presently claimed in the applicant's invention. The message displaying system of Oran is capable of performing the applicant's intended use for displaying industrial automation messages instead of system messages. The examiner respectively notes that statements of intended use or field of use in the claim language merely suggest limitations or make limitations optional, but do not require steps to be performed, limit a claim to a particular structure, nor limit the scope of a claim or claim limitation (see MPEP 2106).

9. The applicant argues that since the pop-up window 34 taught by Oran is located partly on the desktop area of the primary display area and partly on the peripheral display region, Oran does not disclose displaying pop-up window 34 within a window area in the primary display region. The examiner respectfully disagrees. Although the pop-window 34 shown in Figure 4 is partly on the peripheral display region, part of the pop-up window is still residing on the primary display region. According to *Merriam-Webster Online* dictionary (<http://www.m-w.com>), the definition of “within” is:

Main Entry: **¹with·in** ˈwɪθ·ˈɪn

Pronunciation: wi-['th]in, -'thin

Function: *adverb*

Etymology: Middle English *withinne*, from Old English *withinnan*, from *with* + *innan* inwardly, within, from *in*

1 : in or into the interior : **INSIDE**

2 : in one's inner thought, disposition, or character : **INWARDLY** <search *within* for a creative impulse -- Kingman Brewster, Jr.>

Since some part of pop-up window 34 is in or inside the primary display region, as shown in Figure 4, the examiner respectfully argues that Oran teaches displaying pop-up window 34 within a window area in the primary display region. Furthermore, pop-up window 36 depicted in Figure 6 is clearly shown displayed within the primary display region's window area.

10. Furthermore, the applicant argues that even though pop-up window 36 is located within a window area of the primary display region, it clearly overlaps with information displayed and, thus, obstructs the information displayed in the window area. The examiner respectfully disagrees. Although pop-up window 36 overlaps with the information displayed, as shown in

Art Unit: 2173

Figure 6, part of the information displayed in the primary display region is still visible.

According to *Merriam-Webster Online* dictionary (<http://www.m-w.com>), the definition of “obstruct” is:

Main Entry: **ob·struct** 4)

Pronunciation: &b-'str&kt, äb-

Function: *transitive verb*

Etymology: Latin *obstructus*, past participle of *obstruere*, from *ob-* in the way + *struere* to build, heap up -- more at OB-, STREW

1 : to block or close up by an obstacle

2 : to hinder from passage, action, or operation : **IMPEDE**

3 : to cut off from sight <a wall *obstructs* the view>

The information displayed in the primary display region shown in Figure 6 can still be seen and acted upon, or operated on by the user; in other words, since the information is still visible, it has not been cut off from sight or blocked from being able to be operated on, by the overlapped display of pop-up window 36. In addition, similar to popup window 36 in Figure 6, pop-up window 34 shown in Figure 4 also overlaps the information displayed in the primary display region. However, since pop-up window 34 only overlaps a small portion of the information displayed on the primary display region, a majority of the information displayed on the primary display region is still visible, and therefore, not obstructed by pop-up window 34.

Conclusion

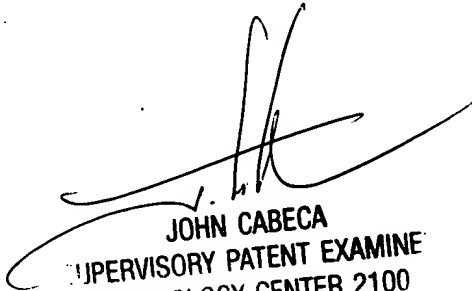
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (571) 272-4058. The examiner can normally be reached on Monday - Friday 7:00 am - 4:30 pm.

Art Unit: 2173

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached at (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-4058.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TZ



JOHN CABECA
SUPERVISORY PATENT EXAMINE
TECHNOLOGY CENTER 2100